

**EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 27, 2005**

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Jones, Sali. Total -- 2.

Total -- 70.

Prayer was offered by Representative Collins.

The Pledge of Allegiance was led by Chandi Hall, Page.

Approval of Journal

January 27, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventeenth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

January 26, 2005

Mr. Speaker:

I transmit herewith **S 1029** which has passed the Senate.

WOOD, Secretary

S 1029 was filed for first reading.

January 26, 2005

Mr. Speaker:

I return herewith **H 5** which has passed the Senate.

WOOD, Secretary

H 5 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

January 27, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 50**.

FIELD(18), Chairman

H 50 was referred to the Health and Welfare Committee.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

HOUSE BILL NO. 51

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO THE MOTOR FUELS TAX; REPEALING SECTION 63-2406A, IDAHO CODE, RELATING TO AN INCENTIVE FOR ELECTRONIC FILING OF THE DISTRIBUTOR'S REPORTS; AND AMENDING SECTION 632421, IDAHO CODE, TO PROVIDE THAT ANY PERSON WHO CONSUMES MOTOR FUELS IN A MOTOR VEHICLE LICENSED OR REQUIRED TO BE LICENSED BY THE LAWS OF THIS STATE, OR WHICH IS REQUIRED TO BE LICENSED UNDER THE LAWS OF ANOTHER JURISDICTION SHALL BE LIABLE FOR THE MOTOR FUELS TAX AND TO MAKE A TECHNICAL CHANGE.

HOUSE BILL NO. 52

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO HIGHWAY CONSTRUCTION DANGER ZONES; AMENDING SECTION 18-113A, IDAHO CODE, TO PROVIDE AN ENHANCED PENALTY FOR CERTAIN INFRACTION OFFENSES; AMENDING SECTION 49-104, IDAHO CODE, TO DELETE THE DEFINITION "CONSTRUCTION DANGER ZONE"; AMENDING SECTION 49-124, IDAHO CODE, TO PROVIDE A DEFINITION FOR "WORK ZONE" AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-657, IDAHO CODE, TO PROVIDE AN ENHANCED FIXED PENALTY FOR VIOLATION OF WORK ZONE SPEED LIMITS.

HOUSE BILL NO. 53

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO ACCIDENTS INVOLVING DAMAGE TO VEHICLES; AMENDING SECTION 49-662, IDAHO CODE, TO PROVIDE FOR THE REMOVAL FROM THE MAIN-TRAVELED PART OF CERTAIN HIGHWAYS INOPERABLE VEHICLES, CARGO AND DEBRIS INVOLVED IN AN ACCIDENT, TO PROVIDE THAT PERSONS LAWFULLY INVOLVED IN THE REMOVAL SHALL NOT BE LIABLE FOR DAMAGE CAUSED BY REMOVAL OF THE MOTOR VEHICLE, CARGO OR DEBRIS AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO ALLOW INTERFERENCE WITH DUTIES OF LAW ENFORCEMENT OFFICERS; AND AMENDING SECTION 49-1301, IDAHO CODE, TO REQUIRE DRIVERS OF VEHICLES INVOLVED IN ACCIDENTS WHICH RESULT ONLY IN DAMAGE TO THE VEHICLE AND WHICH OCCUR ON DIVIDED, ACCESS-CONTROLLED HIGHWAYS OR INTERSTATE HIGHWAYS TO MOVE THE VEHICLE TO A SAFE LOCATION WHERE IT DOES NOT OBSTRUCT TRAFFIC, TO PROVIDE THAT DRIVERS OR OTHER PERSONS REMOVING A VEHICLE IN FULFILLMENT OF THE REQUIREMENTS OF LAW SHALL NOT BE LIABLE OR CONSIDERED AT FAULT

REGARDING THE CAUSE OF THE ACCIDENT SOLELY BY REASON OF MOVING THE VEHICLE AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO ALLOW INTERFERENCE WITH DUTIES OF LAW ENFORCEMENT OFFICERS.

HOUSE BILL NO. 54

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO COMMERCIAL MOTOR VEHICLE DRIVING PRIVILEGES; AMENDING SECTION 18-8002A, IDAHO CODE, TO CLARIFY THAT RESTRICTED DRIVING PRIVILEGES APPLY ONLY TO OPERATION OF NONCOMMERCIAL VEHICLES, TO CLARIFY THAT WORK PURPOSES SHALL NOT INVOLVE OPERATION OF A COMMERCIAL VEHICLE AND TO PROVIDE THAT RESTRICTED DRIVING PRIVILEGES SHALL NOT APPLY TO OPERATION OF A COMMERCIAL VEHICLE; AMENDING SECTION 18-8004A, IDAHO CODE, TO PROVIDE THAT RESTRICTED DRIVING PRIVILEGES SHALL NOT BE GRANTED TO OPERATE A COMMERCIAL MOTOR VEHICLE DURING THE PERIOD OF SUSPENSION, REVOCATION, CANCELLATION OR DISQUALIFICATION; AMENDING SECTION 18-8005, IDAHO CODE, TO PROVIDE THAT ANY PERSON WHOSE DRIVING PRIVILEGES HAVE BEEN SUSPENDED, REVOKED OR CANCELED SHALL NOT BE GRANTED RESTRICTED DRIVING PRIVILEGES TO OPERATE A COMMERCIAL MOTOR VEHICLE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-105, IDAHO CODE, TO PROVIDE FOR A SCHOOL BUS ENDORSEMENT ON A DRIVER'S LICENSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-306, IDAHO CODE, TO REQUIRE THAT EVERY APPLICATION FOR A CLASS A, B OR C DRIVER'S LICENSE SHALL STATE WHERE THE APPLICANT HAS BEEN LICENSED FOR THE PRECEDING TEN YEARS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-313, IDAHO CODE, TO REQUIRE AN APPLICANT FOR A SCHOOL BUS ENDORSEMENT TO PASS APPROPRIATE KNOWLEDGE AND SKILLS TESTS AND TO AUTHORIZE THE DEPARTMENT UNTIL A TIME CERTAIN TO WAIVE THE SKILLS TEST REQUIREMENT UNDER CERTAIN CONDITIONS; AMENDING SECTION 49-325, IDAHO CODE, TO CLARIFY THAT A TEMPORARY RESTRICTED PERMIT MAY BE ISSUED TO GRANT NONCOMMERCIAL DRIVING PRIVILEGES BUT SHALL NOT GRANT DRIVING PRIVILEGES TO OPERATE A COMMERCIAL MOTOR VEHICLE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-326, IDAHO CODE, TO PROVIDE THAT A TEMPORARY RESTRICTED PERMIT MAY BE ISSUED TO GRANT NONCOMMERCIAL DRIVING PRIVILEGES BUT SHALL NOT GRANT DRIVING PRIVILEGES TO OPERATE A COMMERCIAL MOTOR VEHICLE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 49-335, IDAHO CODE, TO CLARIFY THE CONDITIONS FOR WHICH THE OPERATOR OF A COMMERCIAL MOTOR VEHICLE MAY BE DISQUALIFIED AND TO

PROVIDE ADDITIONAL CONDITIONS FOR DISQUALIFICATION IN ACCORDANCE WITH FEDERAL REGULATIONS.

HOUSE BILL NO. 55

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO NEW MOTOR VEHICLE WARRANTIES; AMENDING SECTION 48-901, IDAHO CODE, TO REVISE THE DEFINITION OF "MOTOR VEHICLE" TO PROVIDE FOR INCLUSION OF SPECIFIED VEHICLES.

HOUSE BILL NO. 56

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO SNOWMOBILE SEARCH AND RESCUE; AMENDING CHAPTER 29, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2913A, IDAHO CODE, TO CREATE A SNOWMOBILE SEARCH AND RESCUE FUND AND TO CREATE AN ADVISORY COMMITTEE; AMENDING SECTION 67-7103, IDAHO CODE, TO INCREASE THE SNOWMOBILE CERTIFICATES OF NUMBER FEE BY ONE DOLLAR; AMENDING SECTION 67-7104, IDAHO CODE, TO INCREASE THE NONRESIDENT SNOWMOBILE USER CERTIFICATE FEE BY ONE DOLLAR; AND AMENDING SECTION 67-7106, IDAHO CODE, TO PROVIDE FOR DEPOSIT OF THE INCREASE IN SNOWMOBILE CERTIFICATE FEES TO THE SNOWMOBILE SEARCH AND RESCUE FUND AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 57

BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO TELECOMMUNICATION REGULATION; AMENDING SECTION 62-604, IDAHO CODE, TO AUTHORIZE A TELEPHONE CORPORATION TO ELECT TO HAVE ALL OR PART OF ITS TELECOMMUNICATION SERVICES EXCLUDED FROM REGULATION PURSUANT TO TITLE 61, IDAHO CODE, AND TO BE THEREAFTER SUBJECT TO REGULATION PURSUANT TO CHAPTER 6, TITLE 62, IDAHO CODE; AMENDING SECTION 62-605, IDAHO CODE, TO REVISE THE PROCEDURE FOR THE NOTICE OF ELECTION, TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO REGULATE TELEPHONE CORPORATIONS FOR THE PURPOSE OF IMPLEMENTING THE FEDERAL COMMUNICATIONS ACT OF 1996, TO PROVIDE THE PUBLIC UTILITIES COMMISSION WITH CONTINUING AUTHORITY TO DETERMINE NONECONOMIC REGULATORY REQUIREMENTS FOR TELEPHONE CORPORATIONS PROVIDING BASIC LOCAL EXCHANGE SERVICE, PROHIBITING CERTAIN RATE INCREASES FOR BASIC LOCAL EXCHANGE SERVICE DURING THE PERIOD OF THREE YEARS FOLLOWING THE EFFECTIVE DATE OF THE ELECTION, TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO EXTEND THE TRANSITION PERIOD FOR TWO ADDITIONAL YEARS AND TO

ESTABLISH THE RATES FOR BASIC LOCAL EXCHANGE SERVICE TO BE USED TO DETERMINE ELIGIBILITY OF CERTAIN TELEPHONE CORPORATIONS TO DRAW FUNDS FROM THE STATE UNIVERSAL SERVICE FUND; AMENDING CHAPTER 6, TITLE 62, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 62-607A, IDAHO CODE, TO PROHIBIT A TELEPHONE CORPORATION FROM REQUIRING A BASIC LOCAL EXCHANGE SERVICE CUSTOMER, AS A CONDITION OF RECEIVING BASIC LOCAL EXCHANGE SERVICE, TO PURCHASE OR SUBSCRIBE TO TELECOMMUNICATION SERVICES OTHER THAN BASIC LOCAL EXCHANGE SERVICES, TO PROHIBIT ANY INCREASE IN THE STAND-ALONE BASIC LOCAL EXCHANGE SERVICE RATE TO AN AMOUNT THAT IS HIGHER THAN THE RATE FOR SUCH SERVICE FOR BASIC LOCAL EXCHANGE CUSTOMERS IN THE LOCAL EXCHANGE CALLING AREA HAVING THE HIGHEST NUMBER OF BASIC LOCAL EXCHANGE CUSTOMERS SERVED BY THE TELEPHONE CORPORATION AND TO DEFINE "STAND-ALONE BASIC LOCAL EXCHANGE RATE"; AMENDING SECTION 62-617, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE EXEMPTION FROM THE ANTITRUST LIABILITY OF A TELEPHONE CORPORATION; AND AMENDING CHAPTER 6, TITLE 62, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 62-622A, IDAHO CODE, TO PROVIDE PUBLIC UTILITY COMMISSION AUTHORITY TO ESTABLISH A MINIMUM PRICE FOR BASIC LOCAL EXCHANGE SERVICE UPON COMPLAINT BY ANOTHER TELEPHONE CORPORATION RELATING TO BELOW VARIABLE COST PRICING FOR SUCH SERVICES BY TELEPHONE CORPORATIONS NOT SUBJECT TO TITLE 61, IDAHO CODE.

HOUSE BILL NO. 58
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE IDAHO NOTARY PUBLIC ACT; AMENDING SECTION 51-106, IDAHO CODE, TO PROVIDE THAT ONLY BLUE OR RED INK SHALL BE USED FOR RUBBER STAMPS ACTING AS OFFICIAL SEALS.

HOUSE BILL NO. 59
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE SALE OF WINE; AMENDING SECTION 23-1327, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT A DISTRIBUTOR MAY ONLY SELL OR DELIVER WINE TO A RETAILER IN CASE LOTS.

H 51, H 52, H 53, H 54, H 55, H 56, H 57, H 58, and H 59 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1029, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 12, H 13, and H 15, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

S 1026 and S 1027, by Finance Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

S 1024 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **S 1024** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Crow, Jones, Roberts, Sali. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1024** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1025 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **S 1025** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood,

Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Jones, Roberts, Sali, Shirley.

Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1025** passed the House.
Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 8 a.m., Friday, January 28, 2005. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:07 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk